IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.17 OF 2006

Mrs.Anita Pankaj Gaikwad ...Petitioner.

V/s.

Dr.Pankaj Vasantrao Gaikwad ...Respondent.

Shri.I.R. Kulkarni for the petitioner.
Mrs.Anita Bhakhtawani for respondents.

CORAM : D.G.KARNIK, J.
DATED : 22/08/2006

P.C.:-

1. Heard the learned counsel for the the parties.

2. The petitioner has filed application U/s.24 of Hindu Marriage Act. Transfer of Matrimonial proceedings has been filed by wife. She has prayed that the matrimonial proceedings pending in the Court of Civil Judge, S.D. Karad be transferred to the Court of Civil Judge, S.D. Kalyan.

3. Learned counsel for the respondent strongly opposed the request and submitted that request is not bonafide and is made with a view to delay the hearing of the matrimonial proceedings. She states that the marriage petition is part heard and evidence of the respondent has already been recorded. In order to delay

the hearing and passing of the final order.

4. Relying on the decision of Supreme Court in the case of **Sumita Singh V/s. Kumar Sanjay & Anr. Reported in 2001 AIR SCW 5193, Renu Gautam V/s. Vinod Gautam reported in 2000 AIR SCW 1795, and Munni Kumari V/s.Shailendra Kumar reported in 2000 AIR SCW 3603,** the learned counsel for the petitioner states that convenience of the wife is required to be seen. It cannot be disputed, in view of the aforesaid decisions of the Supreme Court that, convenience of the wife is required to be seen. However, it can not be said that the Supreme Court has laid down a universal rule that in every case matrimonial proceedings should be transferred as prayed by a wife. While considering the convenience of the wife, several factors are required to be taken into consideration. Only grounds which is urged at the stage of hearing of the petition are the grounds mentioned in paragraph 3(b) and 3(q) of the petition. Ground 3(q) only refers to the decisions of the Supreme Court referred to above. In ground 3(b), it is stated that wife is awarded megare amount of Rs.5000/- as costs to attend the proceedings, and that

amount is not enough. She is required to incur expenses for travel of herself and at least of one accompanying person. Learned counsel for the respondent fairly stated that respondent would pay the petitioner a sum of Rs.2000/- per trip that she is required to make for attending the Court at Kalayn. Distance between Kalyan and Karad is almost 200 miles and amount of Rs.2000/- would cover expenses of travel of 2 persons and all incidental expenses. The respondent, through counsel, gives a undertaking to this Court to pay Rs.2000/- per trip to the petitioner as mentioned above. The undertaking is recorded and accepted. Accordingly, respondent is directed to pay to the petitioner a sum of Rs.2000/- for every occasion when she is required to travel from Kalyan on the dates of hearing of Matrimonial proceedings. Since no other ground for transfer was urged, there is no need to transfer the proceedings. The difficulty and inconvenience likely to be caused to the petitioner is addressed to by the undertaking of the petitioner. With these observations, Civil Application is disposed of.

D.G.KARNIK, J.